

**THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**JOHN WALLACE**, substituted on behalf :  
of Linda Wallace, deceased :

**Plaintiff** :

**v.** :

**NOVARTIS PHARMACEUTICALS CORP.** :

**Defendant** :

**3:12-CV-1905  
(JUDGE MARIANI)**

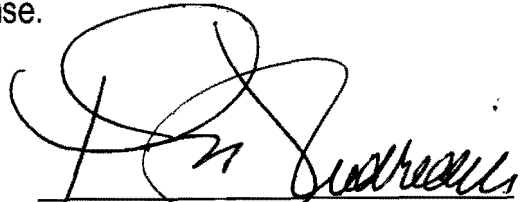
**ORDER**

**AND NOW, THIS 27 TH DAY OF NOVEMBER 2013**, upon consideration of Defendant's Motion to Dismiss (Doc. 67) and all accompanying briefs, **IT IS HEREBY ORDERED THAT:**

1. Magistrate Judge Brown's Order granting Plaintiff's Motion to Substitute is **VACATED**.
2. Defendant's Motion to Dismiss (Doc. 67) is **GRANTED** for:
  - a. Plaintiff's failure to comply with the provisions of the MDL Court's Case Management Order;
  - b. Plaintiff's failure to comply with FED. R. CIV. P. 25(a);
  - c. Plaintiff's failure to comply with 20 PA. CONS. STAT. § 3375 (abatement statute); and
  - d. Plaintiff's repeated dilatory conduct, analyzed under *Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863, 868 (3d Cir. 1984).

3. Therefore, Defendant's *Daubert* motions (Doc. 11-15; Doc. 55) are **DENIED AS MOOT**.

4. The Clerk of Court is directed to **CLOSE** the case.

A handwritten signature in black ink, appearing to read 'R. Mariani', is written over a horizontal line.

Robert D. Mariani  
United States District Judge